

### REMARKS

#### **Rejection of Claims 1-8, 10, 12-15, 35-45 and 47-49 Under Section 102(b) Based On NPL to the Entertainment Internet, Inc.**

In the Office Action at page 2, claims 1-8, 10, 12-15, 35-45 and 47-49 have been rejected under 35 U.S.C. §102(b) as being anticipated by NPL to the Entertainment Internet, Inc. (marked as <http://www.castnet.com/>, hereinafter "EI"). Of these, claims 1, 12, 35, 42 and 49 are independent.

As was noted in the previously-filed Response to Office Action No. 1, a Section 102(b) rejection is proper only if that reference discloses each and every claim limitation, i.e., there must be a complete identity of structure. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d (BNA) 1566 (Fed. Cir. 1990).

For reasons including those set forth herein below, Applicants respectfully submit that the invention according to its various aspects as recited in these claims is not anticipated by EI.<sup>1</sup> It should be noted that, particularly in view of the similarity of the rejections set forth in the Office Action No. 2 to those in Office Action No. 1, Applicants reiterate and incorporate by reference herein the comments and arguments set forth in the Response to Office Action No. 1. Indeed, Applicants note that a Notice of Allowance issued in this case after Response to

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<sup>1</sup> Reiterating from the Response to Office Action No. 1, Applicants do not necessarily concede that EI qualifies as "prior art" with respect to the pending claims. Applicants expressly reserve the right to challenge the applicability of the EI reference as prior art, and provide no waivers or relinquishments regarding the right to subsequently make such challenge in the future.

Office Action No. 1 was filed, and that these very similar grounds of rejection are again being made on the same cited and applied references.

**Claim 1**

Independent claim 1 is not anticipated by EI, for example, because EI fails to disclose a method for facilitating transactions involving a plurality of performing artists and a plurality of talent representative entities, wherein each of the performing artists are associated with one of the talent representative entities, wherein the method comprises storing on a machine-readable medium a plurality of talent files, each of the talent files being associated with one of the plurality of performing artists and comprising talent information for the one of the plurality of the performing artists, enabling access to the stored talent file of the one of the plurality of performing artists by the one of the talent representative entities associated with the one of the plurality of performing artists, and denying access to the talent file of the one of the plurality of performing artists by the talent representative entities other than the one of the talent representative entity associated with the one of the plurality of performing artists, as recited in claim 1.

EI fails, for example, to disclose a system or method in which access to a stored talent file of the one of the plurality of performing artists is enabled for a particular one or group of "talent representative entities" associated with the one of the plurality of performing artists, and where access is denied to that talent file for other talent representative entities, as recited in claim 1. As has been noted, this feature of the invention can provide the important advantage of addressing the

concern among talent representative entities such as talent agencies, wherein a given agency or other talent representative entity strongly prefers if not requires that other such agencies or entities not be permitted to access their performing artist client files.

The term "talent representative entities" is defined in the specification, for example, at Paragraph 0046, as "an entity, whether an individual, an organization, or otherwise, *that acts on behalf of a performing artist as a representative of that artist.* (Emphasis added.) The presence of that term in the claim, and the meaning given to it, must be given effect and may not be ignored or neglected. *Warner-Jenkinson Co., Inc. v. Hilton Davis Chem. Co.*, 520 U.S. 17, 30, 117 S. Ct. 1040, 1049, 137 L.Ed.2d 146, 161 (1997) ("[e]ach element contained in a patent claim is deemed material to defining the scope of the patented invention.").

EI discloses what it characterizes as "a working actors [sic] database," but it does not disclose this aspect of the invention as recited in claim 1. EI at page 2 indicates that "casting directors can search the community for their needs, talent agents can review breakdowns and respond to casting directors, actors can send electronic postcards to casting directors, and all can participate in forums," and that "actors have the ability to create personal profiles ... of the talent industry to access. It says nothing, however, about denying access to a talent file by talent representative entities other than designated talent representative entities. The only limitation on access mentioned at page 2 of EI is that "[a]ccess is *granted* to actors for [the subscription price of] \$49.95 per year." (Emphasis added.)

EI at page 6 refers to their system as being “highly-secured, restricted-access system,” and that their service “is available to talent agencies who are franchised by SAG (Screen Actors Guild), AFTRA (American Federation of Television and Radio Artists), and ACTRA (Association of Canadian Television and Radio Artists), or those agents who work legitimately in right-to-work states.” Even this section, though, fails to identify any restrictions of such parties from each other, as it relates to file or portfolio access.

EI at page 7 notes that access to the “casting director area” is denied to independent filmmakers or writer-directors, but none of these parties is a “talent representative entity,” nor does it disclose restricting access between talent representative entities.

The Office Action at page 3 indicates that EI discloses “enabling and denying access to talent file when not associated with a given artist” with reference to “Page 16 (where the access to actor files is determined by password/username combination).” Applicants can find no page 16 of EI as provided by the Examiner, and they see no mention of a password/username in the materials Applicants do have. Assuming *arguendo* that the EI system uses a password/username combination, in view of EI as provided to Applicant, that password/username combination apparently is required only to gain access to the system itself, as is implicated by the need for payment of the subscription price. The disclosure of EI throughout involves a system where various subscribers (i.e., those with passwords and usernames) are permitted to view actor portfolios. Applicants can find no

disclosure in EI wherein actor profiles associated with a particular talent representative entity are available to various parties within the system, but not to other talent representative entities. The EI system clearly contemplates broad access to actor files. Applicants see nothing in EI, even assuming a general password access restriction, that would allow such general access while selectively restricting access with respect to talent representative entities.

Failure of EI to include each and every limitation of claim 1 precludes a valid Section 102(b) rejection. Given this fundamental failure of EI to disclose these aspects of the invention, it cannot support a rejection of claim 1 under Section 102(b).

#### Claims 2-8

Claims 2-8 are not anticipated by EI because they depend directly or indirectly from claim 1, and therefore the deficiencies of EI with respect to claim 1 apply to them as well. These claims also include additional limitations that are not found in EI.

#### Claim 12

Independent claim 12 is not anticipated by EI, for example, because EI fails to disclose a method for facilitating transactions involving a plurality of performing artists, talent representatives and talent representative organizations, wherein each of the performing artists is associated with one of the talent representative organizations, wherein the method comprises storing on a machine-readable medium a plurality of talent files, each of the talent files being associated with one

of the plurality of performing artists and comprising talent information for the one of the plurality of the performing artists, designating a talent representative organization administrator for each of the talent representative organizations, using the talent representative organization administrator for one of the talent representative organizations to designate selected ones of the talent representatives within the one talent representative organization to be an authorized talent representative, the talent representative organization administrator having authority exclusive of the talent representatives of the one talent representative organization to make the designation of the authorized talent representative, enabling access by the authorized talent representative to the stored talent files of the performing artists associated with the one of the plurality of the talent representative organizations, and denying access to the talent files of the performing artists associated with the one of the talent representative organizations by the talent representatives other than the authorized talent representative, as recited in claim 12.

As has been previously pointed out, EI fails to disclose a talent representative organization administrator. This alone precludes anticipation.

EI also fails to disclose a method as recited in claim 2, wherein a talent representative organization administrator has authority exclusive of the talent representatives of the one talent representative organization to make the designation of the authorized talent representative, and wherein access to the talent files of the performing artists associate with the one of the talent

representative organizations by the talent representatives other than the authorized talent representative, as recited in claim 2. As noted herein above with respect to claim 1, EI provides virtually no restrictions on access involving talent representative entities or administrators, other than the restrictions note hereinabove, none of which involve talent representative entity restrictions and administrator restrictions as recited in claim 12.

### Claims 13-15

Claims 3-15 are not anticipated by EI because they depend directly or indirectly from claim 12, and therefore the failure of EI to anticipate claim 12 precludes anticipation of them as well. These claims also include additional limitations that are not found in EI.

### Claim 35

EI does not anticipate claim 35 in that EI fails to disclose a system for facilitating transactions involving a plurality of performing artists and a plurality of talent representative entities for a system user, wherein each of the performing artists is associated with one of the talent representative entities, wherein the system comprises storage means for storing a plurality of talent files, each of the talent files being associated with one of the plurality of performing artists and comprising talent information for the one of the plurality of the performing artists, processing means operatively coupled to the storage means for processing requests for the talent files and the talent information, user interface means operatively coupled to the processing means for communicating the requests for the talent files

and the talent information, and for communicating the talent files and talent information to the system user, and access control means operative with at least one of the processing means and the storage means for enabling access to the stored talent file of the one of the plurality of performing artists by the one of the talent representative entities associated with the one of the plurality of performing artists, and for denying access to the talent file of the one of the plurality of performing artists by the talent representative entities other than the one of the talent representative entity associated with the one of the plurality of performing artists, as recited in claim 35.

As explained herein above with respect to claim 1, EI fails to disclose a system or method in which access to a stored talent file of the one of the plurality of performing artists is enabled for a particular one or group of talent representative entities associated with the one of the plurality of performing artists, and where access is denied to that talent file for other talent representative entities. EI therefore does not anticipate this claim on at least this basis.

#### Claims 36-41

Claims 36-41 are not anticipated by EI because they depend directly or indirectly from claim 35.

#### Claim 42

EI does not anticipate claim 42 because EI fails to disclose a system for facilitating transactions involving a plurality of performing artists and a plurality of talent representative entities for a system user, wherein each of the performing



artists is associated with one of the talent representative entities, wherein the system comprises a storage subsystem for storing a plurality of talent files, each of the talent files being associated with one of the plurality of performing artists and comprising talent information for the one of the plurality of the performing artists, a processing device operatively coupled to the storage subsystem for processing requests for the talent files and the talent information, a user interface operatively coupled to the processing device for communicating the requests for the talent files and the talent information, and for communicating the talent files and talent information to the system user, and an access control subsystem operative with the processing device for enabling access to the stored talent file of the one of the plurality of performing artists by the one of the talent representative entities associated with the one of the plurality of performing artists, and for denying access to the talent file of the one of the plurality of performing artists by the talent representative entities other than the one of the talent representative entity associated with the one of the plurality of performing artists, as recited in claim 42.

As explained in detail herein above, EI fails to disclose a system or method in which access to a stored talent file of the one of the plurality of performing artists is enabled for a particular one or group of talent representative entities associated with the one of the plurality of performing artists, and where access is denied to that talent file for other talent representative entities. EI therefore does not anticipate this claim.

**Claims 42-45, 47 and 48**

Claims 42-45, 47 and 48 are not anticipated by EI, for example, because they depend directly or indirectly from claim 42.

**Claim 49**

EI does not anticipate claim 42 because EI fails to disclose a system for receiving talent information from a plurality of talent information providers, wherein the talent information providers comprise a plurality of talent representative entities, and providing the talent information to a plurality of talent information users, wherein the system comprises a storage subsystem for storing the talent information organized into a plurality of talent files, each of the talent files being associated with one of the talent representative entities, a processing device operatively coupled to the storage subsystem for processing requests for the talent files and the talent information, a user interface operatively coupled to the processing device for communicating requests for the talent information by the talent information users to the processing device, and for communicating the talent files and talent information to the user interface, access control means operatively coupled to at least one of the processing device and the storage subsystem for enabling access to the requested talent files associated with the one of the talent representative entities by the one of the talent representative entities, and for denying access to the requested talent files associated with the one of the talent representative entities by others of the talent representative entities, and an output device for outputting the requested talent files to the one of the talent

representative entities, as recited in claim 49.

As explained herein above, EI fails to disclose a system or method in which access to a stored talent file of the one of the plurality of performing artists is enabled for a particular one or group of talent representative entities associated with the one of the plurality of performing artists, and where access is denied to that talent file for other talent representative entities, and therefore does not anticipate this claim.

**Rejection of Claims 9, 16, 19-22, 39 and 46  
Under Section 103 Based On EI and Nathan**

**Claim 9**

Claim 9, which depends from independent claim 1, patentably distinguishes over EI, for example, because EI fails to disclose features of claim 1 such as a method in which access to a stored talent file of the one of the plurality of performing artists is enabled for a particular one or group of talent representative entities associated with the one of the plurality of performing artists, and where access is denied to that talent file for other talent representative entities. As is acknowledged in the Office Action at page 5, "EI [also] does not disclose the restrictive file identified being used to restrict access to files." Nathan (U.S. Patent Publication No. US 2002/0129037 A1, hereinafter "Nathan") is cited as remedying the restrictive file identifier feature.<sup>2</sup>

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<sup>2</sup> Applicants have presented arguments herein based on Nathan and its application to the pending claims in the Office Action. Applicants do not, however, necessarily concede that Nathan qualifies as "prior art" with respect to the pending

Nathan cannot properly be combined with EI because it does not pertain to performing arts. Nor does Nathan disclose a talent information user, which claim 9 includes as an express limitation.

Moreover, EI teaches away from the combination of references relied upon in the Office Action, for example, in that EI, taken as a whole, clearly teaches and promotes broad dissemination of talent files. An important objective, if not the pinnacle objective, of the EI system is broad dissemination of artist portfolios so that opportunities for the artists are maximized. EI says nothing of the concern among talent representative entities that the portfolios of their artists will be freely accessible to other, competitive talent representative agencies.

Notwithstanding this, the addition of Nathan in combination with EI would not have rendered the invention of claim 9 obvious because neither reference provides a suggestion or motivation to combine their teachings to yield the invention of claim 9. EI says nothing about using restrictive identifiers in this manner or the need to restrict files in this manner, as is acknowledged in the Office Action, and therefore provides no motivation for modification. Nathan, which as noted is not directed to the performance arts field, merely provides general reference to limiting access to a particular organization using an "organizational identifier." Applicants find nothing in Nathan that would suggest to a person of

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claims, and Applicants expressly reserve the right to challenge the applicability of the Nathan reference as prior art, and provide no waivers or relinquishments regarding the right to subsequently make such challenge in the future.

ordinary skill in this art, or motivate such person, to use a restricted access talent file or to restrict access for files in the performing arts field or in this manner.

Furthermore, neither EI nor Nathan discloses designating selected ones of the talent files as restricted access talent files, associating with each of the restricted access talent files a restricted access talent file identifier, and enabling a talent information user to have access to the restricted talent file. Nathan does not disclose or suggest file restrictions or the use of restricted file identifiers as set forth in claim 16. Claim 16, for example, does not merely recite restricting files in the abstract. It applies to a given individual or entity (i.e., a talent information user), and discriminates with respect to file access given to that talent information user, depending on whether or not the file is restricted. Nathan, in contrast, applies to multiple users (i.e., one versus another organization) and gives or denies access to files depending on whether the respective users are or are not within a given organization.

#### **Claim 16**

Claim 16 patentably distinguishes over EI and Nathan, taken alone or together, in that these documents fail to disclose or suggest a method for facilitating transactions involving a plurality of performing artists and a talent information user, wherein the method comprises storing on a machine-readable medium a plurality of talent files, each of the talent files being associated with one of the plurality of performing artists and comprising talent information for the one of the plurality of the performing artists, designating selected ones of the talent files as

restricted access talent files, and associating with each of the restricted access talent files a restricted access talent file identifier, and enabling the talent information user to have access to the restricted access talent file identifiers, but denying the talent information user access to the talent information that comprises the restricted access talent files, as recited in claim 16.

Claim 16 is similar to and includes common features with claim 9. In view of this, the arguments set forth respect to claim 9 apply with equal force to claim 16.

#### Claims 19-22

Claims 19-22 patentably distinguish over EI and Nathan, taken alone or in combination, for example, in that they depend from claim 16, and thus for the reasons set forth herein above with respect to claim 16. Claim 22, for example, further distinguishes over EI and Nathan, taken alone or in combination, for example, in that neither EI nor Nathan disclose an authorization pass as enabling a talent information user to access talent information of at least one restricted talent file for a limited period time. Applicants can find nothing in either reference that provides access to an otherwise restricted access file based on a time period limitation.

#### Claim 39

Claim 39 depends from claim 38, which in turn depends from independent claim 35. In rejecting this claim, the Office Action at page 5, paragraph 16 refers only to the restricted access features of claim 39, and therefore only those will be discussed here, although without waiver or disclaimer. Claim 39 patentably

distinguishes over EI and Nathan, taken alone or together, because these references fail to disclose or suggest a system as further recited in claims 35 and 38, and wherein the access control means comprises logic means for outputting a restricted access talent file identifier code in response to a request for the talent information in the restricted access talent file associated with the restricted access talent file identifier code, as recited in claim 39.

The Office Action at page 5, paragraph 16 acknowledges that "EI does not disclose the restrictive file identifier being used to restrict access to files." Nathan, which again neither discloses nor suggests application to performing arts, also fails to disclose or suggest providing an output in the form of a restricted access talent file identifier code.

#### **Claim 46**

Claim 46 depends from claim 45, which in turn depends from independent claim 42. In rejecting this claim, the Office Action at page 5, paragraph 16 refers only to the restricted access features of claim 46, and therefore only those will be discussed here, although without waiver or disclaimer. Claim 46 patentably distinguishes over EI and Nathan, taken alone or together, because these references fail to disclose or suggest a system as further recited in claims 42 and 45, and wherein the access control means comprises logic means for outputting a restricted access talent file identifier code in response to a request for the talent information in the restricted access talent file associated with the restricted access talent file identifier code, as recited in claim 46.

The arguments set forth herein above with respect to claim 39 also apply to claim 46. The Office Action at page 5, paragraph 16 acknowledges that "EI does not disclose the restrictive file identifier being used to restrict access to files." Nathan, in addition to its failure to disclose nor suggest application to performing arts, also fails to disclose or suggest providing an output in the form of a restricted access talent file identifier code.

In view of the foregoing, Applicants respectfully submit that the rejections of claims 9, 16, 19-22, 39 and 46 based on EI and Nathan are misplaced and that these claims are allowable over EI and Nathan, taken alone or in combination.

**Rejection of Claims 11, 25, 32-34, and 50-57  
Under Section 103 Based On EI and Ooki Et Al.**

**Claim 11**

Claim 11 depends from independent claim 1. The Office Action at page 7 refers only to the guest pass portion of claim 11 and not to the features as expressly recited in claim 1. Applicants therefore will respond only to the arguments in this part of the Office Action without waiver or disclaimer, albeit while reading claim 11 as a whole, as the law requires.

Claim 11 patentably distinguishes over EI and U.S. Patent Publication No. US 2001/0014948 A1 (hereinafter "Ooki et al."), taken alone or in combination, for example, in that EI and Ooki et al. fail to disclose or suggest a method as recited in claim 1, and further comprising issuing at least one guest pass for a guest pass accessible one of the talent files, communicating the at least one guess pass to a



guest pass holder, and enabling access to the guest pass accessible one of the talent files to the guest pass holder, as recited in claim 11.

As is acknowledged in the Office Action at page 7, "EI does not disclose the use of [a] guest pass to grant access to files. Ooki et al. is cited and applied as disclosing the use of a guest pass to grant access to files, specifically citing to the Abstract and Paragraph 0009 thereof.

Ooki et al. discloses a generic approach to granting access to data by a client-server system other than a client user (a "guest ID"), but is inapplicable to the invention of claim 11, for example, in that it does not disclose or suggest any application involving performing arts and fails to disclose talent files and access to such talent files. Ooki et al. provides only a very generic teaching regarding access to computerized data by different classes of users. Nothing in Ooki et al. discloses or suggests the realities and concerns regarding talent files that are relevant to the performing arts field, nor the benefits that can be obtained by selectively providing guest pass access to selected individuals or entities. Neither EI nor Ooki et al. provide the legally relevant suggestion or motivation to combine the references in a manner that would yield the invention as recited in claim 11.

#### **Claim 25**

Claim 25 patentably distinguishes over EI and Ooki et al., taken alone or in combination, in that these references fail to disclose or suggest a method for facilitating transactions involving a plurality of performing artists, wherein the method comprises storing on a machine-readable medium a plurality of talent files,

each of the talent files comprising talent information for the one of the plurality of the performing artists, issuing at least one guest pass for a guest pass accessible one of the talent files, communicating the at least one guess pass to a guest pass holder, and enabling access to the guest pass accessible one of the talent files to the guest pass holder, as recited in claim 25.

As set forth herein above with respect to claim 11, EI is silent on the subject of guest pass access, and Ooki et al. fails to remedy this deficiency by failing to disclose or suggest the use of a guest pass to control access to talent files in the context of performing arts.

#### Claims 32-34

Claims 32-24 patentably distinguish over EI and Ooki et al., taken alone or together, for example, in that they depend from and more specifically recite the invention of claim 25. The arguments set forth hereinabove with respect to claim 25 fully apply to them as well.

Claims 32 and 33 further patentably distinguish over EI and Ooki et al., taken alone or together, for example, in the references fail to disclose or suggest making guest pass access dependent upon a limited period of time or a limited number of accesses. The Office Action at page 8 refers to Ooki et al. at Paragraphs 0005-0008, but Applicants' further review of that portion of Ooki et al. indicates that it refers to selective access by multiple users to a particular user's schedule. It does not disclose limiting or controlling the third party user's access to the schedule or any other file based on the period of time it is accessed, or the number of times it

has been accessed. Similarly, claim 34 further patentably distinguishes over EI and Ooki et al., taken alone or together, for example, in that neither of these references disclose or suggest a method wherein access is enabled for a guest pass holder to a limited portion of the guest pass accessible one of the talent files, as recited in claim 34.

#### Claims 50-57

Independent claim 50 patentably distinguishes over EI and Ooki et al., taken alone or in combination, in that EI and Ooki et al. fail to disclose or suggest a system for facilitating transactions involving a plurality of performing artists and a guest pass holder, wherein the system comprises storage means for storing a plurality of talent files, each of the talent files being associated with one of the plurality of performing artists and comprising talent information for the one of the plurality of the performing artists, processing means operatively coupled to the storage means for processing a request from the guest pass holder for access to one of the talent files, user interface means operatively coupled to the processing means for communicating the request for the one of the talent files and a guest pass code to the processing means, and for selectively communicating the one of the talent files to the guest pass holder, and access control means operative with at least one of the processing means and the storage means and responsive to a guest pass code for enabling the access to the one of the talent files by the guest pass holder upon receipt of the guest pass for the one of the talent files, as recited in claim 50.

The arguments regarding the guest pass features of claim 25 fully apply to claim 50, and claim 50 patentably distinguishes over EI and Ooki et al. on the same bases.

#### Claims 51-53

Claims 51-53 patentably distinguish over EI and Ooki et al., taken alone or in combination, in that they depend from and more specifically recite the invention of claim 50, and therefore patentably distinguish over these references for the reasons set forth with respect to claim 50. Claims 51-53 further patentably distinguish over these references for the reasons set forth herein above with respect to claims 32-24.

#### Claim 54

Independent claim 54 patentably distinguishes over EI and Ooki et al., taken alone or in combination, in that EI and Ooki et al. fail to disclose or suggest a system for facilitating transactions involving a plurality of performing artists and a guest pass holder, wherein the system comprises a storage subsystem for storing a plurality of talent files, each of the talent files being associated with one of the plurality of performing artists and comprising talent information for the one of the plurality of the performing artists, a processing device operatively coupled to the storage subsystem for processing a request by the guest pass holder for access to one of the talent files, a user interface operatively coupled to the processing device for communicating the request for the one of the talent files and a guest pass code, and for selectively communicating the one of the talent files to the guest pass holder, and an access control subsystem operative with at least one of the

processing device and the storage subsystem and responsive to a guest pass code provided by the guest pass holder for enabling the access to the one of the talent files upon receipt of the guest pass code, as recited in claim 54.

The arguments regarding the guest pass features of claim 50, and thus claim 25, fully apply to claim 54, and claim 54 patentably distinguishes over EI and Ooki et al. on the same bases.

#### **Claims 55-57**

Claims 55-57 patentably distinguish over EI and Ooki et al., taken alone or in combination, in that they depend from and more specifically recite the invention of claim 54, and therefore patentably distinguish over these references for the reasons set forth with respect to claim 54. Claims 55-56 further patentably distinguish over these references for the reasons set forth herein above with respect to claims 32-24.

#### **Rejection of Claims 17-18, 22-24, and 26-31 Under Section 103 Based On EI, Nathan and Ooki Et Al.**

##### **Claims 17 and 18**

Claims 17 and 18 depend from and more specifically recite the invention of claim 16, and patentably distinguish over EI, Nathan and Ooki et al. on the bases set forth herein above with respect to claim 16.

Claim 17 further patentably distinguishes over EI, Nathan and Ooki et al., for example, in that none of the references discloses or suggests a method as recited in claim 17, wherein, *inter alia*, the method comprises excluding from a search output talent information for at least one restricted access talent file but includes a

restricted access talent file identifier for each of the at least one restricted access talent files in the search output.

#### **Claims 22-24**

Claims 22-24 patentably distinguish over EI, Nathan and Ooki et al., taken alone or together, in that these claims depend from claim 16 and therefore patentably distinguish over these references for the reasons set forth herein above with respect to claim 16. They further patentably distinguish over these references, taken alone or in combination, for example, for the reasons set forth herein above with respect to claims 32-34.

#### **Claims 26-31**

Claims 26-31 patentably distinguish over EI, Nathan and Ooki et al., taken alone or together, in that these claims depend from claim 25 and therefore patentably distinguish over these references for the reasons set forth herein above with respect to claim 25.

#### **Conclusion**

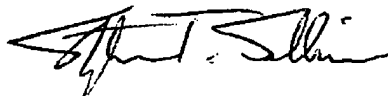
In view of the foregoing, Applicants respectfully submit that the claims as presented and now before the Examiner are in condition for allowance. Applicants request that the application be reconsidered in view of this Response and that the claims be allowed and passed to issue.

This Response is being filed after the statutory period for response, but is accompanied by a Petition for Extension of Time. Authorization is provided to charge our Deposit Account No. 501324 for the Petition fee. If this amount is

deficient or if there are any other fees due in connection with the prosecution of this application, please charge these amounts to that same deposit account.

Dated: February 20, 2009

Respectfully submitted,



Stephen T. Sullivan  
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